

FILED & ENTERED

MAR 16 2016

CLERK U.S. BANKRUPTCY COURT
Central District of California
BY tatum DEPUTY CLERK

**UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES DIVISION**

In re:

ARMEN SANAMYAN.

Debtors.

Case No. 2:13-bk-39318-RK

Chapter 7

**ORDER ON EMERGENCY UNILATERAL
MOTION OF JUDGMENT DEBTORS
HARRY GOVGASSIAN AND ALISA
AGADJANIAN TO CONTINUE HEARING
ON MOTION TO APPROVE COMPROMISE
UNDER RULE 9019, OR IN THE
ALTERNATIVE, TO ENFORCE THE
SETTLEMENT AGREEMENT,
CONTINUING HEARING ON MARCH 22,
2016 AND SETTING FURTHER HEARINGS
ON APRIL 12, 2016**

The court, having reviewed and considered Emergency Unilateral Motion of Judgment Debtors Harry Govgassian and Alisa Agadjanian to Continue Hearing on Motion to Approve Compromise Under Rule 9019 of the Federal Rules of Bankruptcy Procedure, or in the Alternative, to Enforce the Settlement Agreement ("Emergency Motion"), ECF 42, filed on March 15, 2016, the Request for Judicial Notice in support thereof, ECF 43, the Application for Order Setting Hearing on Shortened Notice, ECF 44, as well as the Motion of the Chapter 7 Trustee ("Trustee") to Approve Settlement Agreement Between Chapter 7 Trustee and Harry Govgassian and Alisa Agadjanian in State Court Action BC 387615

1 (“Rule 9019 Motion”), ECF 30, which is currently set for hearing on March 22, 2016 at 2:30
2 p.m., the opposition (“Opposition”) thereto filed by Judgment Creditors Armen Sanamyan,
3 the debtor in this bankruptcy case, and Rose Safarian (“Judgment Creditors”) and special
4 litigation counsel to Trustee and counsel to Judgment Creditors in the State Court Action,
5 Armen Tashjian, ECF 32, and Trustee’s Notice of Voluntary Dismissal of his Rule 9019
6 Motion, ECF 41, and good cause appearing thereof,

7 IT IS HEREBY ORDERED as follows:

- 8 1. Since Trustee’s Rule 9019 Motion is a contested matter pursuant to Federal
9 Rule of Bankruptcy Procedure 9014, Federal Rule of Bankruptcy Procedure
10 7041 applies. See Federal Rule of Bankruptcy Procedure 9014(c). Under
11 Federal Rule of Bankruptcy Procedure 7041, which incorporates by reference
12 Federal Rule of Civil Procedure 41, because an opposition was filed to
13 Trustee’s Rule 9019 Motion and the parties who have responded on the Rule
14 9019 Motion have not stipulated to a dismissal of the Motion, Trustee may
15 not unilaterally dismiss his Rule 9019 Motion. In such instance where an
16 opposition was filed to the pleading, here, the Rule 9014 Motion, Federal
17 Rule of Civil Procedure 41(a)(2) provides that “an action may be dismissed at
18 the plaintiff’s request only by court order, on terms that the court considers
19 proper.” See *a/so*, Federal Rule of Bankruptcy Procedure 7041. The court
20 treats the Rule 9014 contested matter as an “action” for purposes of Federal
21 Rule of Bankruptcy Procedure 7041 and Federal Rule of Civil Procedure
22 41(a)(2). See, Federal Rule of Bankruptcy Procedure 9014(c).
- 23 2. Although the court declines to set a hearing on the Emergency Motion on
24 shortened notice, the court grants the request in the Emergency Motion to
25 continue the hearing on Trustee’s Rule 9019 Motion from March 22, 2016 at
26 2:30 p.m. to April 12, 2016 at 3:00 p.m. At that date and time, the court also
27 sets hearings on Trustee’s request for voluntary dismissal of the Rule 9019
28 Motion in light of the opposition to that Motion on the merits and the

Emergency Motion of the Judgment Debtors seeking to enforce the settlement that Trustee no longer seeks approval through the Rule 9019 Motion.

3. Trustee is ordered to file and serve a response to the Emergency Motion of the Judgment Debtors seeking to enforce the settlement and opposing Trustee's Notice of Voluntary Dismissal of the Rule 9019 Motion by March 29, 2016. Other parties responding to the Trustee's Rule 9019 Motion, Trustee's Notice of Voluntary Dismissal of the Rule 9019 Motion and the Judgment Debtors' Emergency Motion may file and serve such response(s) by March 29, 2016. Any reply to any of these responses must be filed and served by April 5, 2016.

4. No appearances on any of these matters is required on March 22, 2016.

IT IS SO ORDERED.

###

Date: March 16, 2016



Robert Kwan
United States Bankruptcy Judge